

Part 3. Driver privileges and penalties



CHAPTER 6 TRAFFIC LAWS

Driving is a privilege. It is not a right. If you do not obey traffic laws, you may have your driver license suspended. This means your license will be taken away and you may not drive for a stated period of time.

In addition to license suspension, fines and imprisonment may also be imposed for moving violations. The length of suspension time depends on the laws you break and how many convictions you receive. Likewise, license restoration depends on the types of offenses and the number of convictions.

Motor vehicle laws also cover MOPED drivers, bicyclists and pedestrians. Anyone who commits a motor vehicle offense on a MOPED, skate, bike or while walking is subject to motor vehicle penalties and may be scheduled for a hearing in municipal court.



Losing your driving privilege

For some violations, your driving privilege must be suspended. This is mandatory under the law. Therefore, you should know the main points of the traffic laws. The laws are not made to punish you. They are needed to protect you and others. Please study the chart of mandatory sentences and how they may affect you.

Your license and all registration certificates will be suspended if you fail to pay every judgment rendered against you for damages because of personal injury or death, or damage to property in excess of \$500 resulting from the ownership, maintenance, use or operation of a motor vehicle.

Depending on your record of traffic violations, you may lose your driving privilege. If the sentence is not mandatory, your license may

be suspended by the courts or the Director of Motor Vehicles. While driver license suspensions are decided on a case by case basis, some of the reasons to lose your license are:

- failure to appear in court or pay fines
- failure to pay surcharges
- driving while suspended
- failure to provide proof of insurance
- physical or mental disqualification
- drug or alcohol use
- repeated traffic law violations
- reckless driving (without regard for life or property)
- vehicle abandonment on a public highway
- at fault in a fatal accident

If the Director of Motor Vehicle Services considers you a problem driver, you may have to take a driver re-exam. This is to determine if you can keep your license.



For persons under 21 (the legal age in NJ to purchase an alcoholic beverage) who consume an alcoholic beverage, then drive a vehicle when their blood alcohol concentration is .01 percent or more, but less than .10 percent, the penalties are:

- 30-90 day driver license suspension if currently licensed; or
- 30-90 day prohibition from becoming a licensed driver at 18 years; and
- mandatory community service for 15-30 days; **and**
- participation in an Intoxicated Driver Resource Center or other alcohol education and highway safety program.
- a combination of the minimum sentences above and driving under the influence (DUI) sentences (see chart p. 67);

OR

- DUI sentences. If the blood alcohol concentration is .10 percent or higher, underage persons will receive DUI sentences as noted in the chart (see chart p. 67).

Persons under the legal age to purchase alcohol cannot consume or possess alcohol:

- on private property unless it is in connection with a religious observance or in the presence of and with the permission of a parent or legal guardian of legal age. Fines are \$200 for the first offense and \$350 for any subsequent offense, and 180 days of community service and postponed or suspended driver privileges of six months.
- on public property unless they are employed by alcoholic beverage licensees. The minimum fine is \$500 and 180 days community service and receive postponed or suspended driver privileges of six months.

Illegal possession or consumption of an alcoholic beverage by an underage person on private property is an act of delinquency.



Mandatory sentences

Driving offense conviction	License loss*	Fines fees surcharges	Imprisonment	Community service (CS) IDRC** or detainment
Alcohol or drug related (DUI)*** first offense	6 mos-1 year	\$250-\$400 fine; \$75 per day IDRC fee; \$100 drunk driving fund; \$100 AERF+ \$1,000 a yr for 3 yrs surcharge; \$75 Safe Neighborhood Services Fund	Up to 30 days	12-48 hrs IDRC
Alcohol or drug related (DUI)*** second offense that occurs within 10 yrs of a first offense	2 years	\$500-\$1,000 fine; \$100 per day IDRC fee; \$100 drunk driving fund; \$100 AERF+ \$1,000 a yr for 3 yrs surcharge; \$75 Safe Neighborhood Services Fund	48 hrs-90 days	12-48 hrs IDRC 30 days CS
Alcohol or drug related (DUI)*** third offense that occurs within 10 years of a second offense	10 years	\$1,000 fine; \$100 per day IDRC fee; \$100 drunk driving fund; \$100 AERF+ \$1,500 a yr for 3 yrs surcharge; \$75 Safe Neighborhood Services Fund	180 days	12-48 hrs IDRC Up to 90 days CS which can reduce period of imprisonment.
Drinking alcoholic beverages while driving/riding (first offense)		\$200 fine		
Drinking alcoholic beverages while driving/riding (second offense)		\$250 fine		10 days CS
Driving on DUI suspension	Additional 1-2 yrs ****	\$500 fine; \$250 a yr for 3 yrs surcharge	10 to 90 days	
Driving with no insurance (first offense)	1 year	\$300-\$1,000 fine; \$250 a yr for 3 yrs surcharge		CS determined by the courts
Driving with no insurance (second offense)	2 years	up to \$5,000 fine; \$250 a yr for 3 yrs surcharge	14 days	30 days CS
Driving while possessing drugs	2 years	minimum \$50 fine		

*Underage drinking may cause a six-month delay to get a license. **Intoxicated Driver Resource Center. ***Driving under the influence (DUI). Alcohol and drug related offenses required completion of an alcohol screening and evaluation program. ****Also suspends registrations for the same period. +Alcohol Education and Rehabilitation Fund

The courts may require repeat DUI offenders to use ignition interlock devices on their motor vehicles. An interlock device* is attached to a motor vehicle to prevent it from being started when the alcohol level of the driver's breath exceeds a predetermined amount. The interlock requirement is in addition to any other penalty required under the state's drunk driving statute. Installation is for one to three years what would start when his/her driver's license has been restored following suspension.



Other violations

- Drivers convicted of unsafe driving that will endanger a person or property requires payment of a fine of not less than \$50 or more than \$150 for a first offense; not less than \$100 or more than \$250 for a second offense; and not less than \$200 or more than \$500 for a third offense and may be assessed motor vehicle penalty points if the offense occurs within five years of the prior offense.
- Driving recklessly that willfully endangers the rights, property or safety of others is punishable by imprisonment of up to 60 days, or by a fine of not less than \$50 or more than \$200, or both. Points are assessed.
- Drivers who abandon their motor vehicles on or along limited access highways for four hours or more without permission are subject to a fine or not less than \$100 or more than \$500 and possible loss of driver privileges for up to two years. For subsequent violations the fine is not less than \$500 or more than \$1,000 and the suspension is up to five years. The same penalties apply when owners abandon their vehicles on any highway or public property without consent for 48 hours or more.
- Drivers who carry open or unsealed alcoholic beverage containers in passenger areas of motor vehicles are subject to a fine of \$200 for a first offense and \$250 or ten days of community service for all subsequent offenses.
- Drivers of private vehicles face fines of \$200-\$1,000 for each time ice flies from their vehicle and causes death, injury or property damage. Fines for commercial owners range from \$500-\$1,500.
- Speeding or other moving violations in areas undergoing highway construction mean **doubled** fines. Some offenses include reckless driving, careless driving, speeding, improper passing, tailgating, improper turns, failure to observe traffic lanes, failure to observe a traffic signal or sign, and failure to obey directions of an officer. If the fine is \$200, the driver pays \$400.
- Speeding 10 miles or more above the posted speed limit or other certain moving violations in a 65 mph speed zone means doubled fines. Some

*see pp. 70, 94 and 132 for information about ignition interlock devices and systems.

offenses include racing on a public highway, refusal to comply with an officer's request, or failure to obey traffic signs or signals, failure to comply with rules for passing another vehicle, failure to obey road markings, failure to observe distance between vehicles and careless driving.

- Drivers face a \$50 fine if they fail to comply with a police officer's request to illuminate the driver's compartment of the vehicle when stopped.
- Drivers convicted of fraud on insurance applications and claims forms may receive fines of up to \$5,000 or imprisonment for up to three years or both. In the event the driver fraudulently receives \$500 or less, s/he may be imprisoned for not more than six months as a disorderly person. In addition, a person convicted of an automobile insurance crime will lose their driver license for one year (see p. 108).
- A New Jersey motorist's driving privileges will be suspended after s/he is convicted of drug offenses in any federal or state court.
- A first offense hit-and-run involving bodily injury or death results in a one-year driver license suspension, up to 180 days in jail and a fine of \$500-\$1,000 for the driver. For a subsequent offense, the driver permanently loses his/her license, and serves a 180-day jail term and/or pays a fine of \$1,000-\$2,000.
- Not telling the truth when applying for a license or registration will result in a fine of not less than \$200 or more than \$500 and/or up to six months imprisonment. You will also lose your driver license privilege for six months to two years.
- Altering, forging and/or possession with intent to distribute a facsimile of a NJ driver license is illegal and will result in up to a \$10,000 fine, an 18-month jail sentence and driver license suspension.
- Driving while your license and/or registration is suspended can result in the following penalties:

First Offense Fine of \$500 and up to six months additional license and/or registration suspension.

Second Offense Fine of \$750, jail sentence for not more than five days and up to six months additional license and/or registration suspension.

Third Offense Fine of \$1,000, a 10-day jail sentence and up to six months additional license and/or registration suspension.

If you continue to drive:

- while suspended for failing to pay an insurance surcharge, you will receive an additional \$3,000 fine plus the fines and penalties listed above.
- while your license and/or registration is suspended for failure to properly insure your vehicle, the penalties are a fine of \$500 and an

additional driver license suspension of one to two years and possible court ordered imprisonment for up to 90 days.

- and have an accident while your license and/or registration is suspended for failure to insure your vehicle and someone else is hurt, you must pay the fine, serve a license suspension and face a minimum 45-day jail sentence.
- after your license and/or registration is suspended for a drug, alcohol or refusal to take a breath test offense, or if you are an habitual offender, the penalties are a fine of \$500 and an additional license suspension of one to two years and/or possible court-ordered imprisonment for 10-90 days.
- while your driving privilege is suspended due to driving while under the influence or refusal to submit to a chemical test violation or for an habitual offender offense and drive on school property or within 1,000 feet of school property, or through a school crossing zone, you'll receive 1-2 years additional suspension time, pay a \$500 fine and serve 60-90 days imprisonment for a first offense. For second and third offenses, the suspension and fines remain the same, but the imprisonment term is increased to 120-150 days and 180 days respectively.
- after you've failed to install an interlock device as ordered by the court, the penalty is suspension for one year in addition to any other suspension already imposed, and may include penalties as a disorderly person.

If you:

- refuse to submit to a chemical test when you drive on any school property or within 1,000 feet of school property or through a school crossing zone, you receive for a first offense a \$500-\$1,000 fine and a one-year driving privilege suspension; for second and third offenses you will pay the same fine, but will have your driving privilege suspended for four years and 20 years respectively.
- allow a driver who is currently suspended for driving under the influence or operating while suspended to operate your vehicle, you could lose your driving and/or registration privileges.
- loan a license to another driver you may be fined \$25-\$100 and suspension of your license privilege.
- have another person take the test for you may be fined \$200-\$500 and/or imprisonment from 30-90 days. Your privilege to have a driver license may be revoked.
- fail to appear at any scheduled court proceeding when charged with a nonindictable criminal offense, an ordinance violation, or a motor vehicle offense it will result in a court-ordered driver license suspension until the pending matter is settled.

- fail to meet the conditions of a sentence imposed (such as to pay a fine, make restitution or perform community service) it will result in a court ordered driver license suspension.
- are at least 13, but under 18, you may have your driving privileges suspended or postponed for a graffiti conviction.
- set false alarms and are under 21 years old it will suspend or postpone MOPED or other motor vehicle privileges for six months. If under 17 years of age at the time of conviction, driver privileges will be suspended immediately and until six months after the day the person reaches 17 years of age. Additionally, the courts may apply civil penalties.
- fail to pay a total of six months' court-ordered child support or provide health insurance, or if a child support-related warrant exists in your name, the courts can order your basic and commercial driver license and your professional occupational license suspended until you pay.
- are a boater who allows persons 12 years or younger to remain onboard any underway vessel (except for large commercial vessels longer than 65 feet) without properly wearing a U.S. Coast Guard approved flotation device, you shall pay a fine of \$25-\$50.
- are a boater convicted of driving under the influence (DUI) on New Jersey's waterways you will be suspended from both boating and all driver license privileges and be fined \$250-\$400 for the first offense, \$500-\$1,000 for the second offense and \$1,000 for the third offense. Violators under 17 will have their vehicle and MOPED license privileges delayed for three months, six months, and two years for first, second and third offenses respectively.
- DUI convictions: drivers with a person under 18 years of age as a passenger at the time of the violation will face a disorderly persons offense, will receive suspension of driving privileges for not more than six months and will perform five days of community service.
- are a driver convicted of prostitution where a motor vehicle was used you will receive a six-month suspension of driver privileges.

Effective December 1999 the court will add one dollar (\$1) to the amount of each fine and penalty imposed and collected from drivers who have violated the provisions of Title 39 or any other traffic or motor vehicle violation, to fund the New Jersey Spinal Cord Research Fund.



Breath tests

If you are placed under arrest by a police officer who believes that alcohol has affected your driving, he may ask you to take a breath test. New Jersey has an Implied Consent Law. This means when you drive on New Jersey roadways,

you agree to a breath test following an arrest for a drinking-driving offense. If you do not provide a breath sample and are detained, the hospital staff may take a blood sample.

Refusal to take the test results in a six-month license suspension for first offenders, a two-year suspension for second offenders and a ten-year suspension for repeaters. In addition to the revocation, the municipal court will fine a person convicted of this charge not less than \$250 or more than \$500. Offenders must also complete an Alcohol Screening and Evaluation Program at a county Intoxicated Driver Resource Center (IDRC).

In addition to court-imposed fines and penalties, anyone refusing a chemical test in New Jersey or another state is subject to an MVS insurance surcharge of \$1,000 a year for three years (\$3,000). Failure to pay the surcharge will result in indefinite suspension of all driving privileges. MVS will file a judgment action for unpaid surcharges, secure a lien against any real property that you own, file a garnishment for your wages, or similar actions.

Intoxicated Driver Resource Centers

Any person convicted of an alcohol related traffic offense after October 5, 1984 must be detained at an IDRC. New Jersey has a resource center in each county for first and third offenders and three regional centers for second offenders. During detention all offenders attend an alcohol and highway safety education program. The center evaluates each offender for an alcohol or drug problem and determines the need for treatment. If it is needed, the center refers the offender to an appropriate provider for a 16-week minimum treatment. The offender may also supplement the treatment with attendance at a self-help group, with both extending to a maximum of one year for IDRC purposes. The IDRCs monitor compliance and report noncompliance to the courts and to MVS.

Satisfactory participation in an assigned program is a condition for relicensing. Failure to comply results in further license suspension and possible jail.

IDRC fees and other related charges are:

Charge	Paid to
\$100 attendance fee	MVS
\$150 first offender fee	IDRC
\$200 second offender fee	IDRC
\$50 license restoration fee	MVS

The NJ Department of Health and Senior Services, Division of Addiction Services, Intoxicated Driving Program coordinates the operation of the centers that are listed in the back of this manual.



Work licenses

There are **no** conditional or special work licenses allowed in New Jersey. If you lose your license for drunk driving or any other violation, you cannot drive for any reason until the period of suspension ends and you receive a notice of restoration.



Driver programs

Driver improvement program

If the total points on your driving record are 12 to 14 in more than two years, MVS will mail you a Notice of Scheduled Suspension. When you receive it, you can:

- attend a New Jersey driver improvement program; or
- ask for a hearing; or
- turn in your license for the suspension period.

If you request a hearing, the Director of Motor Vehicles or an Administrative Law Judge may determine if your driving privilege should be suspended. For those persons attending a driver improvement program, the classroom time may be substituted for all or part of the suspension. Three points will be removed from your driving record if you successfully complete the program. The cost is \$100.

If you accumulate 12 or more points on your driving record within two years, or 15 or more points in more than two years, your license will probably be suspended. Also, you will not be admitted to a driver improvement class. You may request a hearing.

Defensive driving program

When you successfully complete a defensive driving course:

- you'll have defensive driving skills;
access the Department of Banking and Insurance on the NJ web page at <http://www.naic.org/nj/dmvschl.htm> or call your insurance agent for a list of schools.
- MVS will remove two points from your driving record;
call (888) 486-3339 for a form to order your (written) driver abstract or (609) 292-7500 for your (verbal) driver history.
- your insurance company may give you a rate reduction;
call your agent for information.

MVS ensures that the courses meet state regulatory standards.

Probationary driver program

When you pass all the driver tests and are licensed for the first time, you become a probationary driver. During the two-year probation period, if you are

convicted of two or more moving violations with a total of four or more points, you **must** enroll in the Probationary Driver School Program. The attendance fee is \$100. MVS will alter the current probationary driver program to meet the requirements of the new graduated driver license effective January 1, 2001.

The program's purpose is to correct improper or dangerous driving practices. If you complete the program, you'll receive a three-point reduction and be placed on a one-year test period. If you fail to complete the program, or if you commit a violation during your test period, your driving privilege will be suspended.



The point system

Motor Vehicles keeps track of your driving record by adding points to your record when you are convicted of a moving violation. The more serious the violation, the more points you are given. (See the point violation chart on p. 75.)

All point violations after March 1, 1974 will stay on your driving record. Two points will be added to your driving record for traffic violations committed in other states. Up to three points will be subtracted from your point total for every year that you go without a violation or suspension, but your point total will never be reduced below zero.

Traffic laws are enforceable on highways, roadways, parking areas, driveways and grounds owned and maintained by government entities. Also, drivers convicted of reckless or careless driving in any area open to vehicular traffic or usage will be subject to the charges applicable to that moving violation.

Interstate Compacts

New Jersey belongs to two Interstate Compacts. Member states exchange information to ensure driver compliance with the law and that they receive penalties for violations.

The Nonresident Violator Compact assures nonresident motorists in member states they'll receive the same treatment as resident motorists. When drivers receive traffic citations in member states, they must fulfill the terms of that citation or face the possibility of license suspension in their home state until they meet those terms. Nonresident drivers have due process protection and cannot be detained out of state. Currently, 44 states and the District of Columbia are members of the compact. Alaska, California, Michigan, Montana, Oregon and Wisconsin are nonmembers. The compact doesn't apply to parking or standing violations, highway weight limit violations and violations of Hazmat transportation laws.

The Driver License Compact exchanges violation information with other states and the District of Columbia. Out-of-state violations become part of your NJ driving record. Georgia, Massachusetts, Michigan, Tennessee and Wisconsin are nonmember states.

Moving violation point values

Violation	Point value
Using a counterfeit license, registration or insurance identification	2
Driving on private property to avoid traffic signal or sign	2
Failure to give way to passing vehicle	2
Failure to observe HOV lane restrictions	2
Failure to yield to pedestrian in crosswalk	2
Other moving violations	2
Speeding: 1-14 mph above legal limit	2
Leaving scene of accident (property damage)	2
More than one person on a motorized bicycle	2
Moving violations out-of-state	2
Operating motorized bicycle on a restricted highway	2
Improper turns	3
Speeding: 15-29 mph above legal limit	4
Improper passing:	
of a frozen dessert truck	4
on right or off roadway	4
in a no passing zone	4
on NJ Turnpike, Garden State Parkway & Atlantic City Expressway	4
of a stopped school bus*	5
Reckless driving	5
Racing on highway	5
Following too closely (tailgating)	5
Speeding: 30 mph or more above legal limit	5
Leaving scene of accident (personal injury)	8

*The owner of any vehicle seen passing a stopped school bus can be charged with the violation.



Restoring your license

When your license is restored after a point system suspension (or after completing an MVS Driver Improvement Program or a Probationary Driver School Program), you will be on probation for one year. Any traffic violation

during that year will result in a proposed suspension of your driver privilege again. The period of suspension depends on how soon you break a traffic law after MVS restores your license.

First traffic violation after restoration	License suspension	Second or subsequent traffic violation after restoration	License suspension*
Up to 6 months	90 days	Up to 6 months	180 days
7-9 months	60 days	7-9 months	120 days
10-12 months	45 days	10-12 months	90 days

* A person with three license suspensions for violations that happened within three years, may lose his/her license for up to three years. They are considered habitual offenders.

Note: To drive after your suspension, you must pay a \$50 license restoration fee.



Surcharges and point violations

Motorists who accumulate six or more points in a period of three years or less are subject to a surcharge of \$100 for six points and \$25 for each additional point in addition to any court-imposed fines and penalties. Surcharges will remain operational if a motorist has six or more points on his/her driver record resulting from violations posted in the preceding three years. The total is based on the date the violations are posted to your record, not when the violations occurred.

The point system reductions in the Driver Improvement Program, The Point System, and Defensive Driving Program sections of this chapter do not apply to the surcharge system.

Convicted or administratively suspended motorists must pay each year for three years for convictions of:

Violation	Surcharge
Unlicensed driver	\$100
No insurance — MOPED	\$100
Driving while suspended (Court or MVS reported)	\$250
No liability insurance on motor vehicle	\$250

Ways to pay your surcharge bill are:

- mailing your payment to NJ-AISC, P.O. Box 4850, Trenton, NJ 08650-4850;

- calling toll-free Charge-by-Phone at (888) 651-9999, using your MasterCard, Visa or Discover;
- going in person to the MVS Regional Centers (see the MVS Information Guide).

You may also pay your \$50 restoration fee when making a surcharge payment using the Charge-by-Phone.

Failure to pay any surcharges will result in the indefinite suspension of all driving privileges.

MVS will file a judgment action in the state Superior Court for unpaid surcharges, secure a lien against any real property that you own, file a garnishment for your wages, or take other similar actions. Motor vehicle convictions may increase automobile insurance premiums assessed by your insurance company.



You may need a copy of your Driver History Record for insurance or employment purposes. MVS will supply a copy of your driver record (certified or uncertified) for \$10. Simply call (888) 486-3339 toll free in New Jersey or (609) 292-7500 from in or out of state (toll call) and request the required form.